

## **REMARKS**

Claims 1-7, 10-11, 17-21, and 24-25 remain pending in the application. Claim 25 has been withdrawn from consideration, and Applicants reserve the right to file a divisional Claims 1, 11, and 18 are amended herein, no new matter has been added by these amendments.

In the office action, claims 1-7, 10-11, 17-21, and 24 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,689,824 to Nagai in view of U.S. Published Patent Application No. 2004/0204189 to Guetre.

By these amendments, the present invention is clarified. That is, the independent claims have been amended to recite that the second housing is foldable over the first housing on a rear surface of the first housing, whereas the speaker is located on a front surface of the first housing, so that the second housing can be moved away from or kept clear of the first housing. Thus the user uses the front surface of the first housing to hear the sounds from the speaker when using the movable radio communication apparatus and the second housing is configured to be moved away from the user's head. Therefore high quality communications as well as the safety of the user can be ensured.

In contrast, Nagai shows a second housing (lower case 12) that is foldable over the front surface of the upper housing (upper case 11). Accordingly, the device described in Nagai does not teach a second housing that foldable over a rear surface of the first housing. The result of this is that the lower case 12 of Nagai cannot be moved away from a user's head. Rather the second housing 12 must be held close to the user's head as it has the transmitter 16, into which a user would normally talk.

Accordingly, it is submitted that independent claims 1, 11, and 18 patentably distinguish over the relied upon portions of the cited references and are allowable. Claims 2-7, 10, 17, and 19-21, which depend from one of these allowable base claims, are allowable therewith.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

Applicants appreciate the Examiner's implicit finding that the additional references made of record, but not applied, do not render the claims of the present application unpatentable, whether these references are considered alone or in combination with others.

#### **CONCLUSION**

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,

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